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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/15/2003

Andrea Koerselman

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

02/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/685,971	Applicant(s) KOERSELMAN ET AL.	
	Examiner Omar Flores-Sánchez	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11, 13-19 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on 11/12/07.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 27, 28, 31, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips (1,974,194).

Phillips discloses (Fig. 1-19) the invention including:

- Claim 27, a body (20 and 31) having a first longitudinal edge (the left flange 21), a second longitudinal edge (the right edge 21), a food holder (42 and 43), a guide 48, a first end (see Fig. 2, the right end of the member 42) and a hinge 44.
- Claim 28, the food slicer is configured to slice along an axis parallel to the first longitudinal edge (see Fig. 2).
- Claim 31, food holder includes a hollow portion (the area between the walls 42-43) and a plunger portion 46.
- Claims 32 and 33, a plurality of protrusions 47.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (1,974,194) in view of Zirkiev (5,745,999).

Regarding claim 13 and 15, Phillips discloses (Fig. 1-19) the invention substantially as claimed including a body (20 and 31) having a first longitudinal edge (the left flange 21), a food holder (42 and 43), a guide 48, a first end (see Fig. 2, the right end of the member 42) and a hinge 44. Phillips doesn't show a substantially V-shaped blade and the blade integral with a plate that is removable from the body. However, Zirkiev teaches the use of a substantially V-shaped blade 28 and the blade integral with a plate that is removable from the body 60 for the purpose of having a more efficient food slicer device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Phillips by providing the substantially V-shaped blade and the blade integral with the plate that is removable from the body as taught by Zirkiev in order to obtain a device that is a more efficient.

Also, Phillips discloses:

- Claim 14, the food slicer is configured to slice along an axis parallel to the first longitudinal edge (see Fig. 2).
- Claim 16, food holder includes a hollow portion (the area between the walls 42-43) and a plunger portion 46.

- Claims 17 and 18, a plurality of protrusions 47.
- Claim 19, a second longitudinal edge (the right edge 21).

6. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (1,974,194) in view of Zirkiev (5,745,999).

Phillips discloses (Fig. 1-19) the invention substantially as claimed except for a substantially V-shaped blade and the blade integral with a plate that is removable from the body. However, Zirkiev teaches the use of a substantially V-shaped blade 28 and the blade integral with a plate that is removable from the body 60 for the purpose of having a more efficient food slicer device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Phillips by providing the substantially V-shaped blade and the blade integral with the plate that is removable from the body as taught by Zirkiev in order to obtain a device that is a more efficient.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F. S./

Examiner, Art Unit 3724

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724